

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KENNETH J. BAUGH,)	CASE NO. 5:18-cv-2433
)	
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	
)	MEMORANDUM OPINION
WARDEN TIM BUCHANAN,)	
)	
)	
RESPONDENT.)	

Petitioner Kenneth Baugh (“petitioner” or “Baugh”) filed the instant action seeking habeas corpus relief pursuant to 28 U.S.C. § 2254 (“petition”). (Doc. No. 1.) Before the Court is the report and recommendation of the magistrate judge recommending that the petition be denied. (Doc. No. 9.)

Under the relevant statute:

[. . .] Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

A copy of the R&R was mailed to Baugh at his address of record on June 6, 2021. Baugh requested and received two extensions of time to file a response to the R&R. (See Doc. Nos. 10, 11.) The last extension enlarged Baugh’s time to respond to the R&R until

August 30, 2021. Baugh has neither filed an objection or any response to the R&R nor sought additional time to do so.

The failure to file written objections to a magistrate judge's report and recommendation constitutes a waiver of a de novo determination by the district court of any issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the magistrate judge's report and recommendation and adopts the same. Accordingly, the petition is DENIED. The Court CERTIFIES that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b). This case is closed.

IT IS SO ORDERED.

Dated: September 30, 2021


HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE